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VIDEO SOFTWARE DEALERS ASSOCIATION
11 and ENTERTAINMENT SOFTWARE ASSOCIATION
12

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15

16 VIDEO SOFTWARE DEALERS
ASSOCIATION and ENTERTAINMENT
17 SOFTWARE ASSOCIATION,

18 Plaintiffs,

19 v.

20 ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of the State of California;
21 BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
22 GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney, RICHARD
23 DOYLE, in his official capacity as City Attorney
for the City of San Jose, and ANN MILLER
24 RAVEL, in her official capacity as County
Counsel for the County of Santa Clara,
25

26 Defendants.
27
28

CASE NO. C 05 4188

DECLARATION OF REY JIMENEZ
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VIDEO SOFTWARE)
DEALERS ASSOCIATION and)
ENTERTAINMENT SOFTWARE)
ASSOCIATION,)

Plaintiffs,)

vs.)

ARNOLD SCHWARZENEGGER, in his)
official capacity as Governor of the State of)
California; BILL LOCKYER, in his)
official capacity as Attorney General of the)
State of California; GEORGE KENNEDY,)
in his official capacity as Santa Clara)
County District Attorney, RICHARD)
DOYLE, in his official capacity as City)
Attorney for the City of San Jose, and)
ANN MILLER RAVEL, in her official)
capacity as County Counsel for the County)
of Santa Clara,)

Defendants.)

C.A. 05-4188

DECLARATION OF REY JIMENEZ

Pursuant to 28 U.S.C. § 1746, I, Rey Jimenez, under penalty of perjury state as follows:

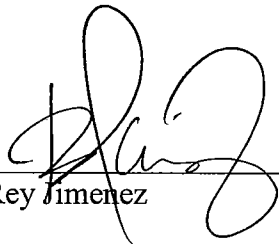
1. I am currently employed as an Associate Publishing Project Manager at Capcom Entertainment, Inc. ("Capcom"). I have held this position since May, 2003. As a result of my duties as an Associate Publishing Project Manager, I have personal knowledge of the facts stated in this declaration.
2. Capcom is an independent developer and publisher of interactive entertainment software both for personal computers and advanced entertainment systems, such as Microsoft

Xbox, Sony PlayStation 2 and PlayStation Portable, and Nintendo GameCube, Game Boy Advance and DS. Capcom's headquarters in North America is located in Sunnyvale, California.

3. One of the video games that Capcom designed is entitled "*Resident Evil 4*." A true and accurate copy of the GameCube version of *Resident Evil 4*, in its entirety and final form, is attached as Exhibit A to this Declaration. A videotape of *Resident Evil 4* being played is attached as Exhibit B to this Declaration. I certify that Exhibit B is a true, accurate, and representative sample of *Resident Evil 4*.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on October 10, 2005.


Rey Jimenez

**Exhibits A (video game “Resident Evil IV”) & B
(videotape of “Resident Evil IV”) to the
Declaration of Rey Jimenez are enclosed in a
separately filed envelope.**